

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1367 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? No

2. To be referred to the Reporter or not? No

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3. Whether Their Lordships wish to see the fair copy
of the judgement? No

4. Whether this case involves a substantial question
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder? No

5. Whether it is to be circulated to the Civil Judge?
No

YAKUBBHAI H MANSURI

Versus

STATE OF GUJARAT

Appearance:

MR KG VAKHARIA for Petitioners

SERVED for Respondent No. 1

MR SV PARMAR for Respondent No. 2

CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 19/06/97

ORAL JUDGEMENT

1. The petitioner is the original plaintiff and the
petitioner No.2 is the original respondent No.18 in
appeal before the lower appellate court. Respondents are

original defendants. Petitioners have not chosen to implead other plaintiffs as parties to present proceedings. This CRA is directed against the concurrent judgment and order of two courts below, i.e. the order passed by the Civil Judge(SD) Narol, dated 21st July, 1986 whereby he dismissed the application of the original plaintiffs for temporary injunction and also vacated the ad-interim order of statusquo which was granted, and further order in appeal being AO No.146/86 filed in the court of District Judge, Ahmedabad (Rural) at Narol which was also dismissed on 30.9.86 thereby confirming the order of the trial court passed on Exh.5. Two courts below have concurrently found that the plaintiffs have failed the prima facie case for grant of temporary injunction and they have also failed to establish that irreparable will be caused to them which can not be compensated in terms of money if the injunction is not granted. Two courts below have also found that the balance of convenience was in favour of defendants and not in favour of plaintiffs as grant of injunction of the nature prayed for was likely to adversely affect the interest of defendants. These findings of facts reached by two courts below are concurrent findings. Two courts below have jurisdiction to reach such findings. No jurisdictional error worth its name was pointed out. It is also not shown that any irregularity is committed by any of the two courts below which will have relation to jurisdiction and which would result into exercise of jurisdiction not vested in the court by law or nonexercise of jurisdiction which is vested in the court by law. In view of the decision of the Supreme Court in the case of Hindustan Aeronautics Ltd reported in AIR 1976 SC 73 no interference of this court under section 115 C.P.C. is required. CRA is therefore liable to be dismissed and is hereby dismissed. Rule is discharged. Interim relief granted by this court stands vacated. No costs.

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